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EXAMINER

FISCHER, JUSTIN R

ART UNIT	PAPER NUMBER
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1733

11

DATE MAILED: 05/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/607,070

Applicant(s)

YURJEVICH ET AL.

Examiner

Justin R Fischer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,7-17,21,22 and 24-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,7-17,21,22 and 24-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1, 7-17, 21, 22, and 24-33 are pending in the application.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1, 7-11, 17, 21, 22, and 24-33 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicant has amended the previously drafted independent claims (1, 9, 17, and 32) to require that the sidewall insert be adapted to support the sidewall in an uncollapsed runflat operating condition. However, the original disclosure fails to describe the specific functioning of the sidewall insert in a runflat condition- the original disclosure only states that the runflat tire of the claimed invention provides runflat capability at zero inflation pressure (Page 9, Lines 8-10). It is noted that the figures of the claimed invention only depict a tire construction in an inflated condition- there is no depiction of the positioning of the respective sidewalls in a runflat condition. There is no description that identifies how the respective sidewalls are deflected or to what degree the respective sidewalls are deflected in a runflat condition. Furthermore, the term uncollapsed does not adequately define the

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functioning of the respective sidewalls since it is recognized that all sidewall inserts in a runflat tire deflect to a certain degree and thus can be viewed as at least partially collapsing. It appears based on applicant's response that the term uncollapsed is being used to require that the inner sidewall region and upper sidewall region do not contact each other in a runflat condition as is the case in Figure 2 of Gardner (i.e. there is not a complete or total collapse of the respective sidewall regions). However, as previously stated, the original disclosure fails to describe the specific functioning of the respective sidewall portions, particularly that they are supported by sidewall inserts in an uncollapsed condition. Lastly, the language "runflat tire" does not necessarily suggest that the sidewall portions are supported in an uncollapsed condition. For example, Gardner suggests a "runflat tire" in which the sidewall portions are supported in a collapsed (complete or total) condition. Thus, the mere distinction of a "runflat tire" does not reasonably convey to one of ordinary skill in the art at the time of the invention that the sidewalls are necessarily supported in an uncollapsed condition, it being further noted that the term uncollapsed is being viewed as a total or complete collapse (sidewalls in contact) in view of applicant's arguments.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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5. Claims 1 and 7-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Gardner (US 3,949,798, of record). Gardner is applied in the same manner as set forth in Paper Number 9, Paragraph 2. It is noted that this rejection is being presented in the event that applicant cancels the previously noted "new matter" language.

As best depicted in Figure 1, Gardner discloses a runflat tire construction having a pair of axially-spaced bead portions, each having a bead core, a pair of axially-spaced sidewalls, at least one carcass ply, and a runflat insert in each of said sidewalls, wherein said sidewalls have a radial portion and a cantilever portion (Figure 1 and Column 2, Lines 7-13). In describing, the cantilever portion, Gardner states that the relevant inclination angle is between 0 and 40 degrees with respect to the axis of rotation.

6. Claims 1 and 7-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Ranik, Jr. (US 4,203,481, newly cited). As best depicted in Figure 1, Ranik, Jr. is directed to a runflat tire construction comprising a pair of axially-spaced bead portions, each having a bead core, a pair of axially-spaced sidewalls, at least one carcass ply, and a runflat insert in each of said sidewalls, wherein said sidewalls have a radial portion and a cantilever portion (described as being a substantially flat surface and depicted as having an extremely small angle with respect to axis of rotation, Column 3, Lines 30-40). It is further noted that Figure 2 depicts the tire construction in a runflat condition, wherein the sidewalls are partially deflected or collapsed without contact between the radially inner and radially outer sidewall portions. As stated above, it is believed the term "uncollapsed" is being used to define such a construction.

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Claim Rejections - 35 USC § 102 / 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 32 and 33 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Gardner. Gardner is applied in the same manner as set forth in Paper Number 9, Paragraph 4. It is noted that this rejection is being presented in the event that applicant cancels the previously noted "new matter" language.

Gardner discloses a runflat tire construction having a pair of axially-spaced bead portions, each having a bead core, a pair of axially-spaced sidewalls, at least one carcass ply, and a runflat insert in each of said sidewalls, wherein said sidewalls have a radial portion and a cantilever portion (Figure 1 and Column 2, Lines 7-13).

Furthermore, Figure 1 of Gardner depicts a rubber layer that is disposed between the main carcass portion and turnup carcass portion and extends radially outward from a bead core. This rubber layer is analogous to the "bead filler" of the claimed invention.

While said rubber layer is not depicted as a separate and distinct component, bead fillers represent a well known and conventional tire component that provide a desired degree of structure and reinforcement (rigidity) in the bead region of the tire and one of ordinary skill in the art at the time of the invention would have readily appreciated and

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expected the tire of Gardner to include such a well known and conventional tire component. It is further noted that Figure 1 of Gardner depicts an embodiment in which the axially outer end of the bead filler and the radially inner end of said runflat insert have a slight degree of overlap in the axial direction.

9. Claims 32 and 33 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Ranik, Jr. Ranik, Jr. discloses a runflat tire construction having a pair of axially-spaced bead portions, each having a bead core, a pair of axially-spaced sidewalls, at least one carcass ply, and a runflat insert in each of said sidewalls, wherein said sidewalls have a radial portion and a cantilever portion (Figure 1 and Column 3, Lines 30-40), Lines 7-13). Furthermore, Figure 1 of Ranik, Jr. depicts a rubber layer that is disposed between the main carcass portion and turnup carcass portion and extends radially outward from a bead core. This rubber layer is analogous to the "bead filler" of the claimed invention. While said rubber layer is not depicted as a separate and distinct component, bead fillers represent a well known and conventional tire component that provide a desired degree of structure and reinforcement (rigidity) in the bead region of the tire and one of ordinary skill in the art at the time of the invention would have readily appreciated and expected the tire of Ranik, Jr. to include such a well known and conventional tire component. It is further noted that Figure 1 of Ranik, Jr. depicts an embodiment in which the axially outer end of the bead filler and the radially inner end of said runflat insert have a slight degree of overlap in the axial direction.

Claim Rejections - 35 USC § 103

10. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gardner and further in view of Willard, Jr. (US 5,511,599, of record) and Willard, Jr. (US 5,868,190, of record). Gardner, Willard, Jr. '599, and Willard, Jr. '190 are applied in the same manner as set forth in Paper Number 9, Paragraph 5. It is noted that this rejection is being presented in the event that applicant cancels the previously noted "new matter" language.

Gardner discloses a runflat tire construction in which the sidewall is formed of an upper "radial portion" and a lower "cantilever" portion, wherein said cantilever portion is disposed at an angle between 0 and 40 degrees with respect to the equatorial plane of the tire. However, the reference is completely silent with respect to the specific arrangement of the bead portion and thus necessarily fails to suggest the claimed extension of the bead filler or the bead portion into the region at which the radially outer end of the sidewall insert is located. While Figure 1 depicts an embodiment in which the bead portion terminates in the lower sidewall region (just above rim flange), one of ordinary skill in the art at the time of the invention would have recognized that this embodiment is only exemplary and additional, well-known construction would have been within the scope of the tire design of Gardner. Willard, Jr. '599 (Figure 2 and Column 9, Lines 14-18) and Willard, Jr. '190 (Figure 3 and Column 9, Lines 15-16) evidence the well known, runflat tire construction in which a bead filler functions as an additional sidewall insert and extends into the shoulder region and terminates at a radial position that is adjacent the radially outer end of the sidewall insert. As such, one of

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ordinary skill in the art at the time of the invention would have readily appreciated the extension of the bead filler in Gardner into the shoulder region to provide an additional sidewall insert, thereby optimizing the rigidity and flexing characteristics under normal and underinflated running, without the need to include an entirely separate sidewall insert. It should additionally be noted that plural sidewall inserts are extensively used in the manufacture of current, runflat tires and as such, one of ordinary skill in the art at the time of the invention would have readily appreciated the functioning of a bead filler as an additional sidewall insert in the runflat tire of Gardner.

11. Claims 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gardner, Willard, Jr. '599, and Willard, Jr. '190 as applied to claim 12 above and further in view of Kobayashi (US 6,138,732, of record) and Nishikawa (US 6,209,604, of record). Gardner, Willard, Jr. '599, Willard, Jr. '190, Kobayashi, and Nishikawa are applied in the same manner as set forth in Paper Number 9, Paragraph 6. It is noted that this rejection is being presented in the event that applicant cancels the previously noted "new matter" language.

Gardner, in view of Willard, Jr. '599 and Willard, Jr. '190, disclose a runflat tire construction having the claimed arrangement in which a bead filler extends through a lower "radial portion" and an upper "cantilever" portion and functions as an additional sidewall insert, wherein said bead filler terminates at a radial position that is adjacent the radially outer end of a sidewall insert. However, in describing the use of a plurality of carcass plies, the reference fails to explicitly depict or describe the placement of said bead filler between the respective carcass plies (first and second). In any event, one of

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ordinary skill in the art at the time of the invention would have recognized that it is extremely conventional in similar runflat tire constructions to form an outermost carcass ply in a down configuration, such that the bead filler is disposed between a first and second carcass ply, as evidenced by Kobayashi (Figure 1) and Nishikawa (Figure 1). It is further noted that this arrangement is extensively used in a plurality of tires, including runflat tires, in order to provide the desired rigidity over the extent of the sidewall without the introduction of additional sidewall reinforcing plies (carcass turnup portions do not usually extend over entire sidewall). As such, one of ordinary skill in the art at the time of the invention would have found it obvious to position the bead filler of Gardner between a first and second carcass ply, in view of Kobayashi and Nishikawa, for the benefits detailed above.

With respect to claim 15, one of ordinary skill in the art at the time of the invention would have recognized that the turnup portion of a first, innermost carcass ply can be axially inward of the down portion of a second carcass ply (enveloped) or axially outward of the down portion of a down carcass ply, as required by the claimed invention. In this instance, both configurations are extensively used in the tire industry and as such, one of ordinary skill in the art at the time of the invention would have readily appreciated the use of either configuration in the runflat tire of Gardner since they represent alternative tire constructions that provide equivalent reinforcement in the turnup portion of a tire, there being no evidence of any unexpected results to establish a criticality for the claimed turnup structure.

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12. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gardner in view of Kobayashi and Nishikawa. Gardner, Kobayashi, and Nishikawa are applied in the same manner as set forth in Paper Number 9, Paragraph 7. It is noted that this rejection is being presented in the event that applicant cancels the previously noted "new matter" language.

Gardner discloses a runflat tire construction in which the sidewall is formed of an upper "radial portion" and a lower "cantilever" portion, wherein said cantilever portion is disposed at an angle between 0 and 40 degrees with respect to the equatorial plane of the tire. As depicted in Figure 1, a bead filler is disposed between the main portion and turnup portion of a single carcass ply (monopoly embodiment). However, the reference further states that a plurality of carcass plies can be used (Column 3, Lines 53-55). In this instance, though, the reference fails to describe the arrangement of the additional carcass plies and as such, there is no specific suggestion to position said bead filler between a first and second carcass ply (mainly achieved by having down ply arrangement). In any event, one of ordinary skill in the art at the time of the invention would have recognized that it is extremely conventional in similar runflat tire constructions to form an outermost carcass ply in a down configuration, such that the bead filler is disposed between a first and second carcass ply, as evidenced by Kobayashi (Figure 1) and Nishikawa (Figure 1). It is further noted that this arrangement is extensively used in a plurality of tires, including runflat tires, in order to provide the desired rigidity over the extent of the sidewall without the introduction of additional sidewall reinforcing plies (carcass turnup portions do not usually extend over entire

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sidewall). As such, one of ordinary skill in the art at the time of the invention would have found it obvious to position the bead filler of Gardner between a first and second carcass ply, in view of Kobayashi and Nishikawa, for the benefits detailed above.

13. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ranik, Jr. in view of Kobayashi and Nishikawa. Ranik, Jr. discloses a runflat tire construction in which the sidewall is formed of an upper "radial portion" and a lower "cantilever" portion, wherein said cantilever portion is disposed at a substantially flat angle with respect to the tire axis of rotation. As depicted in Figure 1, a bead filler is disposed between the main portion and turnup portion of a single carcass ply (monopoly embodiment). However, the reference further states that a plurality of carcass plies can be used (Column 6, Lines 31-34). In this instance, though, the reference fails to describe the arrangement of the additional carcass plies and as such, there is no specific suggestion to position said bead filler between a first and second carcass ply (mainly achieved by having down ply arrangement). In any event, one of ordinary skill in the art at the time of the invention would have recognized that it is extremely conventional in similar runflat tire constructions to form an outermost carcass ply in a down configuration, such that the bead filler is disposed between a first and second carcass ply, as evidenced by Kobayashi (Figure 1) and Nishikawa (Figure 1). It is further noted that this arrangement is extensively used in a plurality of tires, including runflat tires, in order to provide the desired rigidity over the extent of the sidewall without the introduction of additional sidewall reinforcing plies (carcass turnup portions do not usually extend over entire sidewall). As such, one of ordinary skill in the art at the time

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of the invention would have found it obvious to position the bead filler of Ranik, Jr. between a first and second carcass ply, in view of Kobayashi and Nishikawa, for the benefits detailed above.

14. Claims 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ranik, Jr. in view of Spragg et al. (US 5,769,980, of record). Ranik, Jr. discloses a runflat tire construction having a pair of axially-spaced bead portions, each having a bead core, a pair of axially-spaced sidewalls, at least one carcass ply, and a runflat insert in each of said sidewalls, wherein said sidewalls have a radial portion and a cantilever portion (Figure 1 and Column 2, Lines 7-13). Furthermore, Figure 1 of Ranik, Jr. depicts a rubber layer that is disposed between the main carcass portion and turnup carcass portion and extends radially outward from a bead core. This rubber layer is analogous to the "bead filler" of the claimed invention. While said rubber layer is not depicted as a separate and distinct component, bead fillers represent a well known and conventional tire component that defines the fundamental structure of nearly all tires and provides a desired degree of structure and reinforcement (rigidity) in the bead region of the tire. One of ordinary skill in the art at the time of the invention would have readily appreciated and expected the tire of Ranik, Jr. to include such a well-known and conventional tire component. Additionally, it is widely recognized in the tire industry that the bead filler and sidewall runflat insert can be formed of the same high modulus, low hysteresis rubber compound, as shown for example by Spragg (Column 5, Line 64-Column 6, Line 22), there being no conclusive showing of unexpected results in the claimed invention to establish a criticality for the broad range of modulus, hardness, and

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hysteresis values. In particular, Spragg suggests that the use of a high modulus, low hysteresis compound in the bead filler provides improved runflat durability and inflated ride characteristics. Thus, one of ordinary skill in the art at the time of the invention would have found it obvious to form the bead filler and sidewall insert of Ranik, Jr. from the same rubber composition in accordance to the limitations of the claimed invention.

15. Claims 24-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gardner in view of Powers (US 3,392,772, of record). Gardner and Powers are applied in the same manner as set forth in Paper Number 9, Paragraph 8. It is noted that this rejection is being presented in the event that applicant cancels the previously noted "new matter" language.

As previously set forth, Gardner teaches all the limitations detailed by the independent claim, including a sidewall formed of an upper "radial" portion and a lower "cantilever" portion. The reference, however, is silent with respect to the use of a stiffener ring in each of the sidewall cantilever portions. In any event, Powers suggests the use of stiffener rings in similar safety tires formed of cantilever portions, as best depicted in Figures 1-3, to resist lateral distortion of the sidewalls (Column 2, Lines 53-57). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include a pair of stiffener rings in each of the sidewall cantilever portions of Garner, as suggested by Powers, as further set forth below.

Regarding claim 24, the runflat tire of Gardner clearly contains a sidewall insert and a sidewall cantilever portion, thereby forming a profile having a narrow rim and a closed bead assembly (beads are closer together). Powers teaches the use of stiffener

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rings in similar safety tires having sidewall cantilever portions to resist lateral distortion of the sidewalls. Thus, it is evident that the stiffener ring assembly described by Powers would be beneficial in an analogous manner when placed within the runflat tire of Gardner.

With respect to claims 25-30, Powers describes a plurality of arrangements for said stiffener rings, including on the interior of the sidewalls and within the tire sidewalls. Furthermore, it is evident from Figures 1 and 2 that such a description is directed toward embodiments in which the stiffener ring is disposed inside the body cords and outside the body cords. Regarding claim 29, though the reference does not specifically describe the arrangement "outside the body plies", the reference does communicate the general use of stiffener rings in a variety of locations in the bead region and one of ordinary skill in the art at the time of the invention would have readily appreciated additional locations in the bead region not specifically outlined by Powers, such as "outside the body plies". With respect to claim 30, Figure 3 depicts a design in which at least two belt layers are used and the stiffeners rings are disposed between body plies.

16. Claims 24-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ranik, Jr. in view of Powers. As previously set forth, Ranik, Jr. teaches all the limitations detailed by the independent claim, including a sidewall formed of an upper "radial" portion and a lower "cantilever" portion. The reference, however, is silent with respect to the use of a stiffener ring in each of the sidewall cantilever portions. In any event, Powers suggests the use of stiffener rings in similar safety tires formed of cantilever portions, as best depicted in Figures 1-3, to resist lateral distortion of the

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sidewalls (Column 2, Lines 53-57). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include a pair of stiffener rings in each of the sidewall cantilever portions of Ranik, Jr., as suggested by Powers, as further set forth below.

Regarding claim 24, the runflat tire of Ranik, Jr. clearly contains a sidewall insert and a sidewall cantilever portion, thereby forming a profile having a narrow rim and a closed bead assembly (beads are closer together). Powers teaches the use of stiffener rings in similar safety tires having sidewall cantilever portions to resist lateral distortion of the sidewalls. Thus, it is evident that the stiffener ring assembly described by Powers would be beneficial in an analogous manner when placed within the runflat tire of Ranik, Jr.

With respect to claims 25-30, Powers describes a plurality of arrangements for said stiffener rings, including on the interior of the sidewalls and within the tire sidewalls. Furthermore, it is evident from Figures 1 and 2 that such a description is directed toward embodiments in which the stiffener ring is disposed inside the body cords and outside the body cords. Regarding claim 29, though the reference does not specifically describe the arrangement "outside the body plies", the reference does communicate the general use of stiffener rings in a variety of locations in the bead region and one of ordinary skill in the art at the time of the invention would have readily appreciated additional locations in the bead region not specifically outlined by Powers, such as "outside the body plies". With respect to claim 30, Figure 3 depicts a design in which at least two belt layers are used and the stiffeners rings are disposed between body plies.

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17. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gardner and further in view of Hirayama (JP 63141809, of record). Gardner and Hirayama are applied in the same manner as set forth in Paper Number 9, Paragraph 9. It is noted that this rejection is being presented in the event that applicant cancels the previously noted "new matter" language.

Gardner discloses a runflat tire construction in which the sidewall is formed of an upper "radial portion" and a lower "cantilever" portion, wherein said cantilever portion is disposed at an angle between 0 and 40 degrees with respect to the equatorial plane of the tire. Though Gardner is silent with respect to the use of a runflat band element, such a design is extensively used in runflat tires as a compliment to sidewall inserts in order to obtain optimum runflat characteristics. For example, Hirayama suggests that the combination of a runflat band element and a pair of sidewall inserts provides the necessary compression strength and sidewall rigidity to affectively provide a tire with the ability to run in an unpressurized condition. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to include both runflat reinforcing elements (band element and sidewall insert) in the runflat tire of Gardner, as suggested by Hirayama, for the benefits detailed above.

18. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ranik, Jr. and further in view of Hirayama. Ranik, Jr. discloses a runflat tire construction in which the sidewall is formed of an upper "radial portion" and a lower "cantilever" portion, wherein said cantilever portion is disposed at an angle between 0 and 40 degrees with respect to the equatorial plane of the tire. Though Ranik, Jr. is silent with respect to the

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use of a runflat band element, such a design is extensively used in runflat tires as a compliment to sidewall inserts in order to obtain optimum runflat characteristics. For example, Hirayama suggests that the combination of a runflat band element and a pair of sidewall inserts provides the necessary compression strength and sidewall rigidity to affectively provide a tire with the ability to run in an unpressurized condition. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to include both runflat reinforcing elements (band element and sidewall insert) in the runflat tire of Ranik, Jr., as suggested by Hirayama, for the benefits detailed above.

Response to Arguments

19. Applicant's arguments with respect to claims 1, 7-17, 21, 22, and 24-33 have been considered but are not found to be persuasive. In light of applicant's arguments, the rejections of claims 1, 7, 8, 12-17, 21, 22, 24-30, 32, and 33 with Kobayashi have been withdrawn.

Regarding the rejections in which Gardner was applied, applicant has provided the following argument: the tire of Gardner is a "collapsible-type" tire while the amended claims are directed to an uncollapsible tire. As set forth in the 112, 1st paragraph rejection above, the language "uncollapsible" constitutes new matter since the original disclosure fails to describe or depict the sidewall portions as being "uncollapsed" in a runflat condition- the reference only states that the tire construction of the claimed invention provides runflat capability at zero inflation pressure. Additionally, Ranik, Jr. (newly cited) has been applied above to reject amended claims 1, 7-11, 21, 22, and 24-33.

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Conclusion

20. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Justin R Fischer** whose telephone number is **(703) 605-4397**. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Ball can be reached on (703) 308-2058. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.


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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.



Justin Fischer

May 15, 2003



JEFF H. AFTERGUT
PRIMARY EXAMINER
GROUP 1300